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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KWOK CHEUNG CHOW, a/k/a "Raymond
Chow", a/k/a "Hai Jai", a/k/a "Shrimpboy", et.
al.

Defendants.

) No. CR 14-0196 CRB

) UNITED STATES' STATUS REPORT

) SAN FRANCISCO VENUE

In light of the relative complexity of the above-referenced multi-defendant racketeering investigation, the United States files this status report in advance of the August 7 status conference for the Court's and the parties' benefit.

I. SUMMARY OF THE CASE

On March 24, 2014, two complaints were issued charging 30 individuals with a variety of

offenses relating to alleged illegal activities conducted by members of the Chee Kung Tong (“CKT”) and their associates. On March 26, 2014, arrest warrants and search warrants were executed in this district and elsewhere. On April 3, 2014, a grand jury in this district returned a 50-count indictment against 29 of the individuals originally arrested in the complaints.¹ 27 of the 29 defendants have since been apprehended, arraigned, assigned counsel, and released on bond or detained pending trial, as described in the chart below:

Defendant	Attorney	Bail status
KWOK CHEUNG CHOW, a/k/a “Raymond Chow,” a/k/a “Ha Jai,” a/k/a “Shrimpboy”;	Tony Serra, Esq.	Detained
LELAND YEE	James Lassart, Esq.	Released on bond
GEORGE NIEH, a/k/a “Heng Nieh”	Gil Eisenberg, Esq.	Released on bond
KEITH JACKSON	James Brosnahan, Esq.	Released on bond
KEVIN SIU, a/k/a “Dragon Tin Loong Siu”	Robert Waggener, Esq.	Released on bond
ALAN CHIU, a/k/a “Alan Shiu”	Sara Rief, Esq.	Detained
KONGPHET CHANTHAVONG, a/k/a “Joe,” a/k/a “Fat Joe”	Claire Leary, Esq.	Detained
XIAO CHENG MEI, a/k/a “Michael Mei”	Doron Weinberg, Esq.	Detained
BRANDON JAMELLE JACKSON	Tony Tamburello, Esq.	Detained
MARLON DARRELL SULLIVAN	Randall Daar, Esq.	Detained
RINN ROEUN	Garrick Lew, Esq.	Detained
ANDY LI, a/k/a “Andy Man Lai Li”	Winston Chan, Esq.	Detained
LESLIE YUN, a/k/a “Leslie Yuncheung”	Dennis Riordan, Esq.	Released on bond
YAT WA PAU, a/k/a “James Pau”	Teresa Caffese, Esq.	Released on bond
JANE MIAO XHEN LIANG	Jai Gohel, Esq.	Released on bond
TINA YAO GUI LIANG	Michael Stepanian, Esq.	Released on bond
BRYAN TILTON	Harris Taback, Esq.	Released on bond
HUAN MING MA, a/k/a “Ming Ma,” a/k/a “Baak Ban”	Roger Patton, Esq.	Released on bond
HON KEUNG SO, a/k/a “Hon So”	Edwin Prather, Esq.	Released on bond
NORGE MASTRANGELO	Bruno Gioffire, Esq.	Released on bond
ALBERT NHINGSAVATH	Randy Knox, Esq.	Released on bond
XIU YING LING LIANG, a/k/a “Elaine Liang”	Nicole Giacinti, Esq.	Released on bond
GARY KWONG YIU CHEN, a/k/a “Gary Chen,” a/k/a “Jimmy,” a/k/a “David”	Jonathan Piper, Esq.	Released on bond
ANTHONY JOHN LAI, a/k/a “AJ”	Chris Cannon, Esq.	Released on bond
ZHANGHAO WU, a/k/a “Jason”	Laura Robinson, Esq.	Released on bond
BARRY BLACKWELL HOUSE, a/k/a “Barry Black”	AFPD Elizabeth Falk AFPD Galia Phillips	Detained
WILSON SY LIM, a/k/a “Dr. Lim”	Brian Getz, Esq.	Released on bond

Two remaining defendants, Serge GEE and Tong Zao ZHANG, remain at large.

On July 24, 2014, a grand jury in this district returned a 228-count superseding indictment charging the 29 defendants with numerous additional offenses, including conspiracies to conduct the

¹ One individual, identified in the complaints only as “Unidentified Asian Male #3,” or UAM 3, remains unindicted.

1 affairs of an enterprise through a pattern of racketeering activity (RICO). Several, but not all, of the
2 defendants, were charged in the RICO conspiracies. 25 of the 27 apprehended defendants have
3 appeared and have been arraigned on the superseding indictment. The two exceptions are defendant
4 Wilson LIM, whose appearance has been waived, and Norge MASTRANGELO, who lives outside the
5 Northern District of California, but is expected to be arraigned in magistrate court on the morning of
6 August 7, 2014, prior to appearing before this Court for the status conference.

7 II. DISCOVERY

8 Substantial discovery has been disclosed. In particular, the United States has turned over the
9 vast majority of FBI reports documenting this investigation. Likewise, the United States has turned over
10 the vast majority of audio and video captured as part this investigation. This includes, to the best of
11 counsel's knowledge, all consensually-recorded interactions between any of the defendants and any
12 undercover employees have been turned over. This also includes several terabytes (TB) of video
13 footage captured on pole cameras at various locations. The United States has also turned over all
14 communications intercepted pursuant to court-authorized wiretap orders, as well wiretap applications
15 and supporting documents. In addition, though plainly not required under Rule 16 or any other rule of
16 discovery, prior to the status conference the United States expects to be able to provide the defendants
17 with a discovery index in an effort to aid their review of these voluminous materials.²

18 Discovery production, however, is still ongoing. For example, while the vast majority of FBI
19 reports have been turned over, many of the underlying attachments to those reports have *not* yet been
20 turned over. The attachments include, for example, photographs taken by surveillance agents, business
21 cards collected by undercover employees during meetings with defendants and other individuals, and
22 materials collected from state and local law enforcement agencies, among many other different kinds of
23 items. These attachments are currently being processed for production and will be turned over as soon
24 as possible (or made available for viewing by the defendants, if copying is not possible). The United
25 States is also reviewing the reports, audio, video, and wiretap-related documents that have been turned
26 over to determine what, if any, materials remain outstanding. In addition, the parties continue to
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28 ² These indices arguably constitute attorney work product; by turning them over to the
defendants, the United States by no means suggests that it is waiving its work product privilege.

1 negotiate the terms of a stipulation regarding draft transcripts and linesheets. The United States is
 2 amenable to turning over such drafts, assuming the parties can agree to the terms of said stipulation.

3 The United States has also received some requests for additional discovery information. For
 4 example, one defendant has requested *Giglio* and *Henthorn* information relating to particular undercover
 5 employees and confidential human sources. The United States is currently reviewing its files to
 6 determine whether any such information exists. Several defendants have also asked the United States to
 7 provide lists of Bates ranges of documents relating specifically to them, to make their review of
 8 discovery more efficient. Again, although not in any way required by Rule 16 or any other discovery
 9 rule, the United States is amenable to providing such lists in an effort to aid the defendants, and will do
 10 so once global discovery issues relating to all defendants are resolved.

11 III. PROTECTIVE ORDER AND POSSIBLE DISCOVERY LEAKS

12 The Court will recall that it issued a protective order in this case governing the disclosure of
 13 discovery materials to non-parties. Docket No. 302. One defendant has moved to lift the protective
 14 order in its entirety; the United States will respond to that motion accordingly. Separate and apart from
 15 that motion, however, the United States is aware that there have been numerous reports in the media
 16 speculating about individuals whose names may be included in protected discovery materials. Some or
 17 all of the individuals mentioned in these media reports may be entirely innocent of any wrongdoing;
 18 some or all of them may be the targets of ongoing investigations; some or all of them may not even be
 19 mentioned in the protected discovery materials at all. Regardless, the possibility that any such names
 20 were leaked to the media in violation of this Court's protective order is a serious matter. The United
 21 States assures the Court that it has not leaked any protected discovery materials to the media. Any such
 22 leak would be contrary to the Principles of Federal Prosecution set forth in the United States Attorney's
 23 Manual.³

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 25 ³ "In all public filings and proceedings, federal prosecutors should remain sensitive to the
 26 privacy and reputation interests of uncharged third-parties... [t]his means that, in the absence of some
 27 significant justification, it is not appropriate to identify (either by name or unnecessarily-specific
 28 description), or cause a defendant to identify, a third-party wrongdoer unless that party has been
 officially charged with the misconduct at issue... As a series of cases make clear, there is ordinarily 'no
 legitimate governmental interest served' by the government's public allegation of wrongdoing by an
 uncharged party, and this is true '[r]egardless of what criminal charges may . . . b[e] contemplated by the
 Assistant United States Attorney against the [third-party] for the future.'" *United States Attorney's
 Manual (USAM)*, § 9-27.760, quoting *In re Smith*, 656 F.2d 1101, 1106-07 (5th Cir. 1981).

1 **IV. ACCESS TO DISCOVERY MATERIALS BY DEFENDANTS IN CUSTODY**

2 Several defendants who are in custody have asked the United States for permission to keep MP3
3 players or other audio devices in jail, along with limited hard copies of reports, so that they can review
4 discovery materials. In principal, the United States does not object to this request; however, ultimately
5 it is up to the United States Marshal Service and the jail to determine what discovery materials a
6 particular defendant may be allowed to keep while in custody. In any event, any such materials would
7 remain subject to the protective order, and cannot be disseminated. The United States also understands
8 that this issue is not unique to this particular case. In fact, there is currently a district-wide working
9 group comprised of prosecutors, defense attorneys, court personnel, U.S. Marshals, and representatives
10 from local jails to address the issue of providing discovery materials to custodial defendants. The
11 United States is reluctant to stake a position on this issue before the working group reaches any
12 conclusions.

13 **V. TRIAL GROUPINGS/SEVERANCES**

14 The United States recognizes that 27 defendants cannot go to trial together on a 228-count
15 indictment. Accordingly, the United States is amenable to discussing theoretical trial groupings that
16 could be established if this case were immediately set for trial. At the same time, though, theoretical
17 discussions aside, the United States maintains that it would be premature to sever defendants at this
18 time. The United States anticipates that there are many initial issues, such as discovery, suppression of
19 evidence, litigation of wiretaps, and motions to dismiss, that most, if not all, of the defendants in this
20 case will want to address. Moreover, as discussed above, discovery is still ongoing and the defendants
21 have only recently been arraigned and advised of the newest charges against them, including the RICO
22 conspiracy charges. Finally, as the Court will no doubt recognize, in large cases such as this one, the
23 vast majority of defendants do not proceed to trial. For all of these reasons, the

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1 United States maintains that severance would be premature at this time.

2 DATED: August 6, 2014

Respectfully submitted,

3 MELINDA HAAG
4 United States Attorney

5 /s/
6 WILLIAM FRENTZEN
7 SUSAN BADGER
8 S. WAQAR HASIB
9 Assistant United States Attorneys
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